



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

WILLIAM G. HARDEN,
Plaintiff,

vs.

SCOTT BODIFORD, Administrator, et al.,
Defendants.

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§ CIVIL ACTION NO. 6:09-2362-HFF-WMC
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ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Court dismiss the Complaint in the above-captioned case as to Defendants Paul B. Wickenseimer and the Greenville County Detention Center without prejudice and without issuance and service of process as to these two defendants. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 24, 2009, and the Clerk of Court entered Plaintiff's objections to the Report on October 21, 2009. In his objections, however, Plaintiff does not appear to take issue with the Magistrate Judge's recommendation, but seeks only to amend his Complaint. Nevertheless, to the extent that anything in the submission can be construed as true objections, the Court finds those objections to be without merit. Therefore, the Court will enter judgment accordingly.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that the Complaint in the above-captioned case as to Defendants Paul B. Wickenseimer and the Greenville County Detention Center is **DISMISSED** without prejudice and without issuance and service of process as to these two defendants.

IT IS SO ORDERED.

Signed this 21st day of October, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.